IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1361 OF 2005

WITH

CIVIL APPLICATION NO.1933 OF 2005

Mohammed Khanchu Mohiddin Upadhye
since deceased through his heirs
and legal representatives
Rabbiya Mohammed Upadhye & Ors. ..Appellants.

Vs.

Rubina Kaka Kapadi & anr. ..Respondents.

....

Mr.S.D.Dharmadhikar for the Appellants.

CORAM : DR.D.Y.CHANDRACHUD, J.

14th December, 2005.

P.C. :

The suit for injunction was based entirely on the report of the Superintendent of Land Records. No other evidence is tendered on behalf of the Plaintiffs. Counsel appearing for the

Appellants concedes that everything depends upon the proceedings which are pending before the Deputy Director of Land Records. In the circumstances, the Appellants having failed to make out a case for the grant of an injunction at this stage, the suit was correctly dismissed. The Second Appeal does not raise any substantial question of law and is accordingly dismissed.

It is needless to observe that the Appellants would be at liberty to institute proceedings in accordance with law after the proceedings before the authorities have attained finality.

In view of the disposal of the Second Appeal, the Civil Application is rendered infructuous and is accordingly disposed of.